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In re Application of :
FUKAGAWA et al. :
Application No.: 09/869,342 :
PCT No.: PCT/JP99/05458 :
Int. Filing Date: 04 October 1999 :
Priority Date: None :
Attorney Docket No.: Q65022 :
For: FLUORINE-CONTAINING RESIN POWDER :
COATING COMPOSITION HAVING :
EXCELLENT PROPERTY FOR :
PROTECTING SUBSTRATE :

DECISION ON
PAPERS UNDER 37 CFR 1.42

This is a response to the declaration filed 28 June 2001 which is being treated as a request under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 04 October 1999, applicant filed international application no. PCT/JP99/05458 which claimed no priority date and designated the United States. On 18 October 1999, a Demand was filed with the International Preliminary Examining Authority electing the United States. The election was made prior to the expiration of nineteen months from the priority date. As a result, the deadline for payment of the basic national fee was extended to expire on 04 April 2002.

On 28 June 2001, applicant filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee; an English translation of the international application, preliminary amendment, and a combined declaration and power of attorney. The declaration and power of attorney is executed by: Ryoichi Fukagawa; Keisuke Tano; Daisuke Tanizawa and Nobuhiko Tsuda as joint inventors; and on behalf of deceased inventor Ryuji Iwakiri by his legal representative, Miyuki Iwakiri.

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

The declaration filed 28 June 2001 is executed by Ryuji Iwakiri as the "legal representative" of the deceased inventor. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b). Accordingly, the requirements for entry into national stage under 35 U.S.C. 371(c) were completed as of 28 June 2001.

CONCLUSION

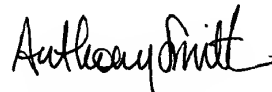
The papers filed under 37 CFR 1.42 are ACCEPTED.

The application has an international filing date of 04 October 1999, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **28 June 2001**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.



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